

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MATTHEW COBB,)	
Plaintiff,)	
)	
v.)	C.A. No. 04-10390-MLW
)	
SUPREME JUDICIAL COURT)	
OF MASSACHUSETTS, ET AL.,)	
Defendants.)	

MEMORANDUM AND ORDER

WOLF, D.J.

September 2, 2004

Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment, which was filed on September 1, 2004 (the "Motion"), reiterates an argument which was made previously and found to be unmeritorious. The court understands that the Board of Bar Overseers' ("BBO") proceedings concerning plaintiff Matthew Cobb are considered "judicial" for the purposes of the abstention doctrine of Younger v. Harris, 401 U.S. 37 (1971). See Middlesex Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423 (1982). However, the issue presented by the Motion was discussed at the August 27, 2004 hearing, and addressed in the August 31, 2004 Memorandum and Order. As explained previously, because the BBO proceedings were complete when Cobb filed this federal case, the relevant question before this court is not whether the BBO proceeding was flawed, but rather whether the Supreme Judicial Court is biased or otherwise unable to provide Cobb an adequate opportunity for the fair resolution of his claim that the BBO denied him his federal constitutional right to process. See Aug. 31, 2004 Memorandum and Order at 11.

As Cobb has essentially moved for reconsideration of the decision on a claim that the court has previously found to be unmeritorious, and has offered no materially new facts or arguments, Plaintiff's Rule 59(e) Motion to Alter or Amend Judgment (Docket No. 27) is hereby DENIED.

/S/ MARK L. WOLF
UNITED STATES DISTRICT JUDGE